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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thomas P. Jerussi Confirmation No.: 9314

Serial No.: 10/620,704 Art Unit: 1617

Filed: July 17, 2003 Examiner: Jennifer M. KIM

For: METHODS AND COMPOSITIONS Attorney Docket No: 4821-518-999

FOR THE TREATMENT OF

NEUROPATHIC PAIN, TINNITUS, AND OTHER DISORDERS USING

R(-)-KETOPROFEN

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated Aril 7, 2004, wherein the application was examined for restriction purposes only, in the above-identified application, Applicants submit the following remarks for entry into the record of the application.

The Examiner has sought to restrict the application into one of three groups: Group I, claims 1-13, drawn to a method of treating neuropathic pain; Group II, claims 28-36, drawn to method of treating tinnitus; and Group III, claims 14-27 and 37-44, drawn to a composition comprising R(-)-ketoprofen.

Applicants note, however, that claims 1-13 and 28-36 have been canceled upon filing of the present application. Applicants submit herein a copy of Utility Patent Application Transmittal and accompanying fee calculation sheets, filed on July 17, 2003, whereby it is clearly instructed, in Item 1 on the fee calculation sheet, that claims 1-13 and 28-36 are to be canceled without prejudice.

Based on the above, Applicants submit that the restriction requirement is moot and should be withdrawn. Should the Examiner disagree, Applicants hereby elect Group III, claims 14-27 and 37-44 for immediate prosecution in this application.

No fee is believed due in this response. Should any fee be required, however, please charge the required fee to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Date:

June 30, 2004

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